

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 4
Mtg. Date July 19, 2016
Dept. Development Services Department

Item Title: **Ordinance No. 439 – Zoning Amendment ZA1-600-0001 Amending the Beekeeping Regulations (Chapter 18.16 of the Municipal Code)**

Staff Contact: Miranda Evans, Assistant Planner
David De Vries, Development Services Director

Recommendation:

- 1) Conduct second reading, by title only, and adopt Ordinance No. 439 (**Attachment B**) and adopt Resolution 2016- (**Attachment C**).

Item Summary:

On June 21, 2016, the City Council introduced Ordinance No. 439 (**Attachment B**) to approve amendments to the City's beekeeping regulations. Proposed amendments of Ordinance No. 439 include provisions relating to: permitting, bee species, registration, locational requirements, sensitive area registration and requirements, hive size restriction, firefighting material, elimination of the adjacent property owner notification, and public nuisance requirements. If adopted, the Ordinance would become effective on August 20, 2016. Additional City Council recommendations include providing a list of sensitive area sites (public parks and schools), incorporating a six-month amnesty period for beekeepers with existing hives to obtain a no fee beekeeping permit, implementing a public outreach plan to inform and educate the community of the changes, and establishing a beekeeping permit fee of \$35. These four amendments are included in Resolution No. 2016- (**Attachment C**). The project is a city initiated project.

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| <input type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input checked="" type="checkbox"/> Exempt, Section 15307 and 15308 | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|---|---|---|
| <input type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Tribal Government Consultation Request |
| <input checked="" type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Notice to property owners within 500 ft. | |

Attachments:

- A. Staff Report
B. Ordinance No. 439 – (ZA1-600-0001)
C. Resolution No. 2016- – (ZA1-600-0001)

Attachment A

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 4

Mtg. Date July 19, 2016

Item Title: **Ordinance No. 439 – Zoning Amendment ZA1-600-0001 Amending the Beekeeping Regulations (Chapter 18.16 of the Municipal Code)**

Staff Contact: Miranda Evans, Assistant Planner
David De Vries, Development Services Director

Background and Discussion:

On June 21, 2016, the City Council introduced Ordinance No. 439 to approve amendments to the City's beekeeping regulations (Chapter 18.16 of the Lemon Grove Municipal Code). In addition, the City Council directed staff to provide: 1) a list of sensitive sites; 2) a proposed amnesty period to allow existing beekeepers to obtain a no fee beekeeping permit; 3) a proposed public outreach plan to inform the public and beekeepers of the revised regulations; and 4) a beekeeping permit fee of \$35.

Sensitive Areas in Lemon Grove

In accordance with proposed amendments recommended for adoption, beehives shall be placed at least one-hundred feet from the border of sensitive areas. Sensitive areas include areas where people, such as the elderly, small children, individuals with medical conditions, or confined animals inhabit or frequent that are more at risk if stinging incidents were to occur. Sensitive areas are characterized by a demonstrated need for a greater safety buffer. These areas include, but are not limited to, schools, playgrounds, picnic areas, outdoor sports facilities, daycare centers, senior care facilities, medical facilities, and animal-boarding facilities.

Property operators, owners, or residents who have medical reasons may apply to have their locations designated as sensitive areas. Businesses and facilities with employees who have medical reasons or where bees could cause a nuisance during normal work activities may also apply to have their locations designated as sensitive areas. The Development Services Director may approve areas or remove areas previously approved or designated as sensitive areas upon request. Upon appeal, the City Council has final discretion to approve designation of locations as sensitive areas upon review of supportive documentation.

In keeping with the spirit of the Ordinance, staff recommends that the City Council adopt a list of public sensitive sites by Resolution. The recommended list of sensitive areas includes public parks and schools. Their locations are shown below and are included with the Resolution:

- Berry Street Park, 7071 Mt. Vernon Street,
- Civic Center Park, 3200 Main Street,
- Dan Kunkle Park, 8105 Lemon Grove Way,
- Firefighter's Skate Park, 3062 School Lane,
- Lemon Grove Park, 2271 Washington Street,
- Lemon Grove Academy, 7885 Golden Avenue,
- Monterey Heights Elementary, 7550 Canton Drive,
- Mount Vernon Elementary, 8350 Mount Vernon Street,
- San Altos Elementary, 1750 Madera Street,
- Liberty Charter High School, 8425 Palm Street,
- San Miguel Elementary, 7059 San Miguel,
- Lemon Grove Senior Center, 8235 Mt. Vernon Street,

Attachment A

Proposed Amnesty Period

As a part of the proposed resolution, staff recommends implementing a six-month amnesty period for all current beekeepers with existing hives. During the proposed six-month amnesty period, the beekeeper would be able to apply for the permit at no cost. Thereafter, staff recommends that existing hives, including those located near a sensitive area, can be deemed a legal non-conforming use with opportunities to apply for a beekeeping permit. Through working with the San Diego Beekeeping Society, staff will make every possible attempt to notify existing beekeepers of the new regulations and the amnesty period. These efforts are further described below in the public outreach plan.

Proposed Public Outreach Plan

As a part of the proposed resolution, staff will implement the public outreach plan to educate the community about the revised beekeeping regulations. The public outreach plan is proposed because of the deletion of the adjacent property owner notification requirement. For public outreach, staff recommends continually providing 'Beekeeping Permit Resources' on the City's Code Enforcement webpage, annually advertising the beekeeping regulations and providing opportunities to register as a sensitive site in the City's Newsletter (*The Grove Gazette*), and sharing updates annually about the regulations on the City's social media sites (e.g. Twitter, Facebook, and Instagram). Staff will also utilize the San Diego Beekeeping Society Meetup.com group as a marketing tool to share the new regulations. To-date, there are 1,404 active beekeepers on the Meetup.com site that would receive notification of the revised regulations. Upon applying for a beekeeping permit, the applicant will be provided with information to join the San Diego Beekeeping Society. Staff has also coordinated with the San Diego Beekeeping Society to have an informational booth with an exhibit at the 2016 Paws in the Park Event on July 30.

Beekeeping Permit Fee

Per City Council directives, staff included a fee of \$35 for a beekeeping permit in the Resolution. This fee is to be established by City Council Resolution in accordance with the Master Fee Schedule for Fiscal Year 2016-2017. |

Public Information:

The proposed amendments are found to be categorically exempt from the California Environmental Quality Act referencing Sections 15307 (actions by regulatory agencies for protection of natural resources) and 15308 (actions by regulatory agencies for protection of the environment).

Notices of the Public Hearings for this item were published in the March 24, 2016 and July 7, 2016 editions of the East County Californian.

No formal public comments have been received as of the writing of this report.

Conclusion:

|Staff recommends that the City Council conduct the second reading, by title only, to adopt Ordinance 439 and adopt Resolution 2016- for Zoning Amendment ZA1-600-0001. |

ORDINANCE NO. 439

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA AMENDING CHAPTER 18.16 OF THE LEMON GROVE MUNICIPAL CODE TO PROVIDE MODIFICATIONS TO THE BEEKEEPING REGULATIONS

WHEREAS, in early 2015, several citizens spoke in a public hearing about an existing beekeeping activity and a related code enforcement case. After that discussion, the City Council directed staff to prepare an agenda item that would allow them to discuss potential guidelines for beekeeping activities in the City; and

WHEREAS, at the April 21, 2015 City Council meeting, staff presented an item to City Council that discussed the City's existing beekeeping regulations, regional beekeeping programs, and current trends for the City Council's consideration. The City Council directed staff to return with a draft beekeeping ordinance that provides comparisons between provisions in the County of San Diego and City of San Diego ordinances; and

WHEREAS, on April 5, 2016, a public hearing was duly noticed and held by the Lemon Grove City Council; and

WHEREAS, on April 5, 2016, the City Council provided direction to staff, simplifying beekeeping regulations and further encouraging beekeeping in the City and then continued the public hearing to the May 17, 2016 City Council meeting; and

WHEREAS, on May 17, 2016, the continued public hearing was held by the Lemon Grove City Council; and

WHEREAS, on May 17, 2016, the City Council provided direction to staff to reduce the beekeeping permit cost, eliminate the adjacent property notification requirement, establish a public outreach plan, and revise the proposed beehive size restriction and then continued the public hearing to the June 21, 2016 City Council meeting; and

WHEREAS, on June 21, 2016, the City Council introduced and conducted the first reading of Ordinance No. 439; and

WHEREAS, on July 19, 2016, the City Council conducted the second reading of Ordinance No. 439; and

WHEREAS, staff analyzed regulations from jurisdictions from across San Diego County and researched bee keeping and associated benefits, risks, and safety precautions; and

WHEREAS, it is in the interest of the health, welfare and safety of the people of the City of Lemon Grove to provide a permitting process to assure effective provisions of beekeeping; and

WHEREAS, the proposed zoning amendment is found to be categorically exempt from the environmental review requirements of the California Environmental Quality Act (Section 15307 and 15308); and

WHEREAS, the City Council finds that the following findings required to approve a Zoning Amendment can be made in accordance with Section 17.28.080(B) of the Municipal Code:

1. That the proposed amendment is consistent with the General Plan, in accordance with Government Code Section 65860, as amended.

Attachment B

Provisions for beekeeping are consistent with General Plan objectives, specifically it helps conserve existing biological habitat, limits impacts on the remaining biological habitat, and increases local food resources.

2. That the public health, safety, and general welfare benefit from the adoption of the proposed amendment.

The amendment modifies regulations for beekeeping activities to further encourage beekeeping and to ensure appropriate safety measures are taken to benefit the public health, safety and general welfare of the community; and

NOW, THEREFORE, the City Council of the City of Lemon Grove hereby ordains as follows:

SECTION ONE:

ENVIRONMENTAL FINDING. The City Council finds in its independent judgment that the proposed amendment to the Municipal Code is exempt from environmental review under sections 15307 and 15308 of the California Environmental Quality Act Guidelines.

SECTION TWO:

Amendments to Chapter 18.16, ANIMAL KEEPING, establishing revised regulations for the keeping of bees, is hereby added to the City of Lemon Grove Municipal Code to read as shown in Exhibit A.

INTRODUCED by the City Council on June 21, 2016.

SECOND READING by the City Council on July 19, 2016.

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EXHIBIT A

TEXT OF PROPOSED REGULATIONS

NOTE:

- Text proposed to be added is displayed in underlined type.
- Text proposed to be deleted is displayed in strikethrough type.

The City of Lemon Grove Municipal Code to amend Animal Keeping Regulations, Chapter 18.16 to read as follows:

Section 18.16.020 General provisions [Excerpts only]

K. Public nuisance provisions within section 6.04.430 shall be applicable to animals and insects referenced in this chapter.

Section 18.16.060 Exotic animals. and beekeeping.

A. The keeping of animals considered to be members of a rare and endangered species, exotic or wild animals, including dangerous or poisonous reptiles, shall not be permitted within the city, except as provided in Section ~~6.04.430~~6.04.420 of the Lemon Grove Municipal Code.

B. Beehives may be kept within the residential low and low/medium zoning districts subject to the following:

1. The beekeeper shall apply for a beekeeping permit. The permit application shall be filed on a form available ~~in the office of the~~ from the planning development services department and shall be accompanied with a nonrefundable fee as established by resolution of the City Council.

~~2. Prior to the issuance of a beekeeping permit, the city shall send written notification to the owners and residents of all properties abutting the lot where the bees are to be kept.~~

~~a. The owners and residents of the abutting properties may, within ten days of the date of the notice, file with the planning department a written protest against the issuance of a beekeeping permit.~~

~~b. The only acceptable grounds for protest shall be that a resident of a property which abuts the site of the proposed beekeeping suffers from severe allergic reaction for bee stings. Such allergy and its severity shall be documented by a written statement from a medical practitioner licensed by the state of California.~~

~~c. If the city receives a protest pursuant to this section which included required documentation, no beekeeping permit shall be issued.~~

~~3. Not more than two beehives shall be permitted on a lot or building site with an area of at least ten thousand square feet. Two additional beehives shall be permitted on a lot with an area of at least fifteen thousand square feet. No more than four beehives shall be permitted on any lot or building site.~~

~~4. The keeping of bees shall be conducted in accordance with this section and in accordance to the provisions of Chapter 6.12 of the Lemon Grove Municipal Code.~~

52. Up to four beehives may be permitted. Beehives shall be placed at least ~~one hundred~~twenty-five feet from the exterior line of the traveled way of any public streets, at least

Attachment B

twenty-five feet from the exterior line of any private access easement, at least ~~twenty-five~~ fifteen feet from any side or rear lot line, and at least ~~one hundred~~ twenty-five feet from any neighboring dwellings, ~~other than that occupied by the owner of the bees.~~ For three-to-four hives, a one-hundred foot separation from neighboring dwellings is required.

~~63.~~ Beekeepers shall keep sufficient open water available near the beehives during hot and dry weather in compliance with vector control regulations.

74. Beehives shall be well maintained at all times.

5. A beehive shall be no larger than 15 cubic feet in volume.

6. Only docile bee species may be permitted.

7. Registration with the County of San Diego Department of Agriculture, Weights, and Measures is required prior to beekeeping activities.

8. The following firefighting materials shall be maintained, in good working condition, at all times when the beehive is attended by the keeper, sufficiently near the beehive so as immediately to be available in case of fire:

a. A shovel; and

b. Either a fire extinguisher of the 2 ½ gallon water-under-pressure type or the 5 gallon back-pump type or its equivalent; or a garden hose connected to a source of water.

9. Beehives shall be placed at least one-hundred feet from the border of sensitive areas. Sensitive areas include areas where people, such as the elderly, small children, individuals with medical conditions or confined animals inhabit or frequent that are more at risk if stinging incidents were to occur. Sensitive areas are characterized by a demonstrated need for a greater safety buffer. These areas include, but are not limited to, schools, playgrounds, picnic areas, outdoor sports facilities, daycare centers, senior care facilities, medical facilities, and animal-boarding facilities.

10. Property operators, owners, or residents who have medical reasons may apply to have their locations designated as sensitive sites. Businesses and facilities with employees who have medical reasons or where bees could cause a nuisance during normal work activities may also apply to have their locations designated as sensitive sites. The development services director may approve sites or remove sites previously approved or designated as sensitive sites upon request. Upon appeal, the City Council has final discretion to approve designation of locations as sensitive sites upon review of supportive documentation.

RESOLUTION NO. 2016-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA PROVIDING FOR DESIGNATED SENSITIVE AREAS, A SIX-MONTH AMNESTY PERIOD, A PUBLIC OUTREACH PLAN, AND ESTABLISHING A PERMIT FEE AS IT RELATES TO BEEKEEPING.

WHEREAS, in early 2015, several citizens spoke in a public hearing about an existing beekeeping activity and a related code enforcement case. After that discussion, the City Council directed staff to prepare an agenda item that would allow them to discuss potential guidelines for beekeeping activities in the City; and

WHEREAS, at the April 21, 2015 City Council meeting, staff presented an item to City Council that discussed the City's existing beekeeping regulations, regional beekeeping programs, and current trends for the City Council's consideration. The City Council directed staff to return with a draft beekeeping ordinance that provides comparisons between provisions in the County of San Diego and City of San Diego ordinances; and

WHEREAS, on April 5, 2016, a public hearing was duly noticed and held by the Lemon Grove City Council; and

WHEREAS, on April 5, 2016, the City Council provided direction to staff, simplifying beekeeping regulations and further encouraging beekeeping in the City and then continued the public hearing to the May 17, 2016 City Council meeting; and

WHEREAS, on May 17, 2016, the continued public hearing was held by the Lemon Grove City Council; and

WHEREAS, on May 17, 2016, the City Council provided direction to staff to reduce the beekeeping permit cost, eliminate the adjacent property notification requirement, establish a public outreach plan, and revise the proposed beehive size restriction and then continued the public hearing to the June 21, 2016 City Council meeting; and

WHEREAS, on June 21, 2016, the City Council introduced and conducted the first reading of Ordinance No. 439; and

WHEREAS, on July 19, 2016, the City Council conducted the second reading of Ordinance No. 439; and

WHEREAS, staff analyzed regulations from jurisdictions from across San Diego County and researched bee keeping and associated benefits, risks, and safety precautions; and

WHEREAS, it is in the interest of the health, welfare and safety of the people of the City of Lemon Grove to provide a permitting process to assure effective provisions of beekeeping; and

WHEREAS, the proposed regulations are found to be categorically exempt from the environmental review requirements of the California Environmental Quality Act (Section 15307 and 15308); and

NOW, THEREFORE, the City Council of the City of Lemon Grove hereby ordains as follows:

Attachment B

SECTION ONE:

Designate the following public parks and schools as sensitive areas in accordance with Chapter 18.16 of the Lemon Grove Municipal Code:

- Berry Street Park, 7071 Mt. Vernon Street,
- Civic Center Park, 3200 Main Street,
- Dan Kunkle Park, 8105 Lemon Grove Way,
- Firefighter's Skate Park, 3062 School Lane,
- Lemon Grove Park, 2271 Washington Street,
- Lemon Grove Academy, 7885 Golden Avenue,
- Monterey Heights Elementary, 7550 Canton Drive,
- Mount Vernon Elementary, 8350 Mount Vernon Street,
- San Altos Elementary, 1750 Madera Street,
- Liberty Charter High School, 8425 Palm Street,
- San Miguel Elementary, 7059 San Miguel,
- Lemon Grove Senior Center, 8235 Mt. Vernon Street,

SECTION TWO: Approves a six-month amnesty period for all current beekeepers with hives existing as of the effective date of the Ordinance. During the six-month amnesty period, beekeepers may apply for a beekeeping permit at no cost. Thereafter, existing hives, including those located near a sensitive site, will be deemed a legal non-conforming use, with opportunities to apply for a beekeeping permit.

SECTION THREE:

Directs staff to: a) maintain beekeeping regulations and resources on the City's Code Enforcement Webpage, b) annually advertise beekeeping regulations and the ability to register as a sensitive site in the City's newsletter, *The Grove Gazette*, and on social media sites (e.g., Twitter, Facebook, and Instagram), c) utilize the San Diego Beekeeping Society Meetup.com group as a marketing tool to share the new beekeeping regulations, and d) establish a \$35 beekeeping permit fee in the Master Fee Schedule.

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